

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHILLIP HUDSON,

Petitioner,

ORDER

v.

08-cv-282-bbc

GREGORY GRAMS, Warden,
Columbia Correctional Institution,

Respondent.

On October 3, 2008, this court entered an order dismissing petitioner Phillip Hudson's petition for a writ of habeas corpus under 28 U.S.C. § 2254. Dkt. 23. On October 14, 2008, petitioner filed a document entitled motion for legal loan extension in a civil case that he filed in this court. *See* Case No. 08-cv-458-bbc, dkt. 25. In that filing, petitioner wrote: "Please include case no. 08-cv-282-c in your order [on the legal loan extension]. I wish to appeal your decision and dismissal of this case on October 3, 2008." *Id.* This court entered an order on October 21, 2008, denying petitioner an extension of his legal loan limit. Case No. 08-458, dkt. 14.

Because petitioner did not file a notice of appeal, a request for a certificate of appealability or a request to proceed *in forma pauperis* on appeal, it is unclear whether his intent to appeal the October 3rd order was conditioned upon the receipt of the legal loan extension. Accordingly, I am giving petitioner the opportunity to respond. Attached to this order are copies of a notice of appeal form and an application for a request to proceed *in forma pauperis* on appeal.

For petitioner's sake, I note that he may not appeal the dismissal order unless this court issues a certificate of appealability. 28 U.S.C. § 2253(c)(1). A certificate shall issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). In order to make this showing, petitioner must show in his request for a certificate of appealability "that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893, n.4 (1983)).

Entered this 31st day of October, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge